



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

KAREN A. LOWNEY, ESQ.
ESTEE LAUDER COMPANIES
125 PINELAWN ROAD
MELVILLE NY 11747

COPY MAILED

APR 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Rachel J. Painter et al.	:	
Application No. 09/622,510	:	CORRECTED DECISION
Filed: October 19, 2000	:	ON PETITION UNDER 37 C.F.R.
Attorney Docket Number: 2870/319	:	§1.137(b)
Title: GEL-BASED COSMETIC	:	
COMPOSITION	:	

This is a corrected decision on the petition filed January 20, 2005, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed June 30, 2004, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on October 1, 2004.

On March 18, 2005, a decision was mailed which charged a four-month extension of time to Petitioner's Deposit Account and indicated that the present application did not go abandoned. That decision is hereby **VACATED**.

With the petition, Petitioner submitted the petition fee, a request for reconsideration, and the proper statement of unintentional delay. Petitioner has met all requirements for a grantable petition under 37 C.F.R. §1.137(b). As such, the petition is **GRANTED**.

¹ A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

The previously charged four-month extension of time will be refunded to Petitioner's Deposit Account, as authorized in the petition.

The application file is being forwarded to Technology Center 1600 for further processing.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.



Paul Shanoski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office